

57 JAN 1999

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*EPC Meeting*  
*Dec. 1999*

# Agenda

# Environmental Protection Commission

December 20, 1999

10:00 AM

Wallace State Office Building, Fourth Floor Conference Room

Public Participation

10:30 A.M.

## Agenda topics

- |     |  |                                  |
|-----|--|----------------------------------|
| 1.  | Approve Agenda   |                                  |
| 2.  | Approve Minutes of Novemer 15, 1999  |                                  |
| 3.  | Director's Remarks   | Paul Johnson                     |
| 4.  | Budget – Quarterly Update  | Linda Hanson (Information)       |
| 5.  | Monthly Reports  | Mike Valde (Information)         |
| 6.  | Private Well Sampling, Rehabilitation, and Closure Program – Grants to Counties, FY 2001 | Mike Valde ( <b>Decision</b> )   |
| 7.  | Nonpoint Source Pollution Control Project Contract                                       | Mike Valde ( <b>Decision</b> )   |
| 8.  | Adopted and Filed Emergency—Chapter 65, Animal Feeding Operations Clarifications         | Mike Valde ( <b>Decision</b> )   |
| 9.  | Referrals to the Attorney General  | Mike Murphy ( <b>Decision</b> )  |
|     | a. Linwood Mining and Minerals Corp. (Buffalo)   |                                  |
|     | b. A. J. DeCoster (Lucas County)   |                                  |
| 10. | Legislation Package – 2000   | Paul Johnson ( <b>Decision</b> ) |
| 11. | General Discussion   |                                  |
| 12. | Address Items for Next Meeting   |                                  |

Next  
Meeting  
Dates

January 18, 2000 (Tuesday)  
February 21, 2000  
March 20, 2000

ENVIRONMENTAL PROTECTION COMMISSION

December 20, 1999

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Deb Kozei	LFB	DM
Linda Korman	IAWA	DM
Brooke Timmons	DMWW	DM
Rick Kelley	UHL	DM
Lindsey Larson	Iowa Farm Bureau	Jefferson
Chris Gabriele	Iowa CCF	DM
Kari Alder	Iowa CCF	DM
Chris Gruenhagen	Farm Bureau	DSM
Lew Olson	House Republican Caucus	DSM
Mel Berryhuel	IRWA	DSM
Dan Uest	Growers	Bloomington, FC
Jan McHale Kramer	Smith Law Firm	DSM
Sherry Timmins	DED	

ENVIRONMENTAL PROTECTION COMMISSION

December 20, 1999

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Mona Bond

Agribus

DSM

Rich White

Ilimestone Pool Assn

DSM

Kathie Obradovic

Lee News

DSM.

PAUL VENNEN

RECORD COPY EPC Meeting  
File Name ADM-1-1-1  
Exhibits Initials JG. December 1999  
DF JAN 2000

**MINUTES**  
**OF THE**  
**ENVIRONMENTAL PROTECTION COMMISSION**  
**MEETING**

**DECEMBER 20, 1999**

**WALLACE STATE OFFICE BUILDING**  
**DES MOINES, IOWA**

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## MEETING MINUTES

### CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Ehm at 10:00 a.m. on Monday, December 20, 1999, in the Wallace State Office Building, Des Moines, Iowa.

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### MEMBERS PRESENT

James Braun  
William Ehm, Chair  
Randal Giannetto (arrived at 11:00 a.m.)  
Gary Priebe  
Terrance Townsend, Vice-Chair  
Rita Venner

### MEMBERS ABSENT

Elizabeth Christiansen  
Rozanne King, Secretary  
Kathryn Murphy

Chairman Ehm stated that Commissioner Christiansen is ill, Commissioner Murphy had a business conflict, and Commissioner King is absent due to bad weather in her area.

### ADOPTION OF AGENDA

The following adjustments were made to the agenda:

*Motion was made by Terrance Townsend to approve the agenda as presented. Seconded by Rita Venner. Motion carried unanimously.*

**APPROVED AS PRESENTED**

### APPROVAL OF MINUTES

*Motion was made by Terrance Townsend to approve the meeting minutes of November 15, 1999 as presented. Seconded by James Braun. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**DIRECTOR'S REMARKS**

Larry Wilson, Deputy Director, reported that Director Johnson is on vacation this week. He noted that Director Johnson has been traveling around the state visiting with a number of legislators regarding the new initiatives in the Department as well as the DNR budget for FY2001. He related that Director Johnson has been explaining the new initiatives and has been receiving feedback from the legislators.

**BUDGET – QUARTERLY UPDATE**

Linda Hanson, Division Administrator, Administrative Services Division, presented the following item.

Attached is the operations financial status report by division as of 9/30/99. Except for the Parks, Recreation, and Preserves Division (Parks), all are under budget as of 9/30/99.

Parks actual expenditure as of 9/30/99 reflects a projected \$71,000 General Fund deficit. This projected shortfall is not something to be concerned about at this time. Park expenses, particularly supply and equipment expense, generally tend to occur during the summer and early fall. Park status will be monitored as the year continues.

Overall the projection shows General Fund and Fish and Wildlife Trust fund expenditures to be close to budget. Federal and other fund usage represent the bulk of the surplus projected overall. This should continue throughout the year as these expenditures are less predictable, heavy on contractual obligations, and are not sources of funding that revert at years end.

**Iowa Department of Natural Resources  
Financial Status Report**

<b>TOTAL DEPARTMENT THROUGH SEPTEMBER 30, 1999</b>	<b>FY 00 BUDGET</b>	<b>FY 00 BUDGET THRU SEPTEMBER</b>	<b>FY 00 ACTUAL THRU SEPTEMBER</b>	<b>00 BUDGET LESS ACTUAL 00</b>
<b>RESOURCES</b>				
General Fund	\$17,254,320	\$4,426,597	\$4,411,329	\$15,268
Federal	\$13,086,089	\$3,019,867	\$1,854,476	\$1,165,391
Administration Fund	\$395,000	\$91,154	\$91,154	\$0
Conservation Fund	\$4,381,311	\$1,011,072	\$1,011,072	(\$0)
Other Funds	\$12,373,967	\$2,855,531	\$1,671,174	\$1,184,357
Groundwater Fund	\$3,376,941	\$779,294	\$608,508	\$170,786
Fish and Wildlife Trust Fund	\$24,129,883	\$5,568,435	\$5,372,467	\$195,968
<b>TOTAL RESOURCES</b>	<b>\$74,997,511</b>	<b>\$17,751,949</b>	<b>\$15,020,180</b>	<b>\$2,731,769</b>
<b>EXPENDITURES</b>				

Personnel	\$45,127,344	\$10,414,002	\$9,082,609	\$1,331,393
Extra Help	\$2,960,506	\$1,128,025	\$1,260,002	(\$131,977)
Support	\$14,576,590	\$3,363,828	\$3,412,571	(\$48,742)
Contracts	\$9,600,600	\$2,215,523	\$684,350	\$1,531,173
Equipment	\$2,732,471	\$630,570	\$580,648	\$49,922
<b>TOTAL EXPENDITURES</b>	<b>\$74,997,511</b>	<b>\$17,751,949</b>	<b>\$15,020,180</b>	<b>\$2,731,769</b>
<b>ADMINISTRATIVE SERVICES THROUGH SEPTEMBER 30, 1999</b>				
	<b>FY 00 BUDGET</b>	<b>FY 00 BUDGET THRU SEPTEMBER</b>	<b>FY 00 ACTUAL THRU SEPTEMBER</b>	<b>00 BUDGET LESS ACTUAL 00</b>
<b>RESOURCES</b>				
General Fund	\$1,560,979	\$360,226	\$298,252	\$61,974
Federal	\$623,694	\$143,929	\$104,461	\$39,468
Fish and Wildlife	\$2,007,449	\$463,257	\$440,268	\$22,989
Groundwater Fund	\$184,453	\$42,566	\$37,066	\$5,500
REAP	\$749,357	\$172,929	\$136,674	\$36,255
Marine Fuel Tax	\$85,592	\$19,752	\$35,691	(\$15,939)
Infrastructure	\$223,594	\$51,599	\$67,490	(\$15,891)
Other	\$433,012	\$99,926	\$66,477	\$33,449
<b>TOTAL RESOURCES</b>	<b>\$5,868,130</b>	<b>\$1,354,184</b>	<b>\$1,186,379</b>	<b>\$167,805</b>
<b>EXPENDITURES</b>				
Personnel	\$4,285,200	\$988,892	\$885,875	\$103,017
Extra Help	\$120,100	\$27,715	\$38,202	(\$10,487)
Support	\$1,225,930	\$282,907	\$222,905	\$60,002
Contracts	\$25,000	\$5,769	\$4,500	\$1,269
Equipment	\$211,900	\$48,900	\$34,897	\$14,003
<b>TOTAL EXPENDITURES</b>	<b>\$5,868,130</b>	<b>\$1,354,184</b>	<b>\$1,186,379</b>	<b>\$167,805</b>

<b>DIRECTOR'S OFFICE THROUGH SEPTEMBER 30, 1999</b>	<b>FY 00 BUDGET</b>	<b>FY 00 BUDGET THRU SEPTEMBER</b>	<b>FY 00 ACTUAL THRU SEPTEMBER</b>	<b>00 BUDGET LESS ACTUAL 00</b>
<b>RESOURCES</b>				
General Fund	\$595,417	\$137,404	\$118,865	\$18,539
Federal	\$491,856	\$113,505	\$118,585	(\$5,080)
Fish and Wildlife	\$367,460	\$84,798	\$84,798	\$0
Administration Fund	\$395,000	\$91,154	\$91,154	\$0
Groundwater Fund	\$95,208	\$21,971	\$21,135	\$836
Other	\$204,236	\$47,131	\$61,655	(\$14,524)
<b>TOTAL RESOURCES</b>	<b>\$2,149,177</b>	<b>\$495,964</b>	<b>\$496,192</b>	<b>(\$228)</b>
<b>EXPENDITURES</b>				

Personnel	\$1,229,252	\$283,674	\$256,402	\$27,272
Extra Help	\$68,245	\$15,749	\$15,382	\$367
Support	\$805,680	\$185,926	\$215,350	(\$29,424)
Contracts	\$0	\$0	\$0	\$0
Equipment	\$46,000	\$10,615	\$9,058	\$1,557
<b>TOTAL EXPENDITURES</b>	<b>\$2,149,177</b>	<b>\$495,964</b>	<b>\$496,192</b>	<b>(\$228)</b>
<b>ENERGY AND GEOLOGY THROUGH SEPTEMBER 30, 1999</b>	<b>FY 00 BUDGET</b>	<b>FY 00 BUDGET THRU SEPTEMBER</b>	<b>FY 00 ACTUAL THRU SEPTEMBER</b>	<b>00 BUDGET LESS ACTUAL 99</b>
<b>RESOURCES</b>				
General Fund	\$1,963,515	\$453,119	\$463,920	(\$10,801)
Federal	\$2,788,646	\$643,534	\$347,595	\$295,939
Oil Overcharge	\$297,121	\$68,566	\$41,116	\$27,450
Bonding Programs	\$141,982	\$32,765	\$34,074	(\$1,309)
Groundwater Fund	\$199,582	\$46,057	\$31,591	\$14,466
Other	\$105,093	\$24,252	\$32,880	(\$8,628)
<b>TOTAL RESOURCES</b>	<b>\$5,495,939</b>	<b>\$1,268,294</b>	<b>\$951,176</b>	<b>\$317,118</b>
<b>EXPENDITURES</b>				
Personnel	\$3,123,688	\$720,851	\$565,620	\$155,231
Extra Help	\$37,000	\$8,538	\$15,010	(\$6,472)
Support	\$472,478	\$109,033	\$156,510	(\$47,476)
Contracts	\$1,718,450	\$396,565	\$151,234	\$245,331
Equipment	\$144,323	\$33,305	\$62,802	(\$29,497)
<b>TOTAL EXPENDITURES</b>	<b>\$5,495,939</b>	<b>\$1,268,294</b>	<b>\$951,176</b>	<b>\$317,118</b>
<b>ENVIRONMENTAL PROTECTION THROUGH SEPTEMBER 30, 1999</b>	<b>FY 00 BUDGET</b>	<b>FY 00 BUDGET THRU SEPTEMBER</b>	<b>FY 00 ACTUAL THRU SEPTEMBER</b>	<b>00 BUDGET LESS ACTUAL 00</b>
<b>RESOURCES</b>				
General Fund	\$5,053,110	\$1,166,102	\$1,159,784	\$6,318
Federal	\$8,512,544	\$1,964,433	\$1,159,734	\$804,699
Air Contaminant Fees	\$6,405,219	\$1,478,127	\$578,410	\$899,717
Groundwater Fund	\$1,321,974	\$305,071	\$211,049	\$94,022
Hazardous Waste Remedial Fund	\$311,296	\$71,838	\$66,619	\$5,219
Water Protection Fund	\$1,197,382	\$276,319	\$148,478	\$127,841
Operator Certification Fees	\$80,997	\$18,692	\$14,642	\$4,050
LUST Insurance Fund	\$75,000	\$17,308	\$43,995	(\$26,687)
Land Recycling Fund	\$120,000	\$27,692	\$4,744	\$22,948
Manure Certification Program	\$50,000	\$11,538	\$812	\$10,726
Stormwater Permit Fees	\$492,265	\$113,600	\$64,614	\$48,986
Well Contractor Fees	\$69,207	\$15,971	\$17,645	(\$1,674)

Groundwater Professional Regis.	\$45,998	\$10,615	\$4,573	\$6,042
Water Supply Lab. Cert. Fees	\$156,060	\$36,014	\$0	\$36,014
Other	\$22,609	\$5,217	\$20,609	(\$15,392)
<b>TOTAL RESOURCES</b>	<b>\$23,913,661</b>	<b>\$5,518,537</b>	<b>\$3,495,708</b>	<b>\$2,022,829</b>
<b>EXPENDITURES</b>				
Personnel	\$13,204,839	\$3,047,271	\$2,608,689	\$438,582
Extra Help	\$0	\$0	\$0	\$0
Support	\$2,982,779	\$688,334	\$420,901	\$267,433
Contracts	\$6,709,395	\$1,548,322	\$367,760	\$1,180,562
Equipment	\$1,016,648	\$234,611	\$98,358	\$136,253
<b>TOTAL EXPENDITURES</b>	<b>\$23,913,661</b>	<b>\$5,518,537</b>	<b>\$3,495,708</b>	<b>\$2,022,829</b>
<b>FISH AND WILDLIFE</b>				
<b>THROUGH SEPTEMBER 30, 1999</b>	<b>FY 00 BUDGET</b>	<b>FY 00 BUDGET THRU</b>	<b>FY 00 ACTUAL THRU</b>	<b>00 BUDGET LESS ACTUAL 00</b>
		<b>SEPTEMBER</b>	<b>SEPTEMBER</b>	
<b>RESOURCES</b>				
Fish and Wildlife Trust Fund	\$21,754,974	\$5,020,379	\$4,847,401	\$172,978
Corps Condition 5 Funds	\$297,790	\$68,721	\$62,612	\$6,109
<b>TOTAL RESOURCES</b>	<b>\$22,052,764</b>	<b>\$5,089,099</b>	<b>\$4,910,013</b>	<b>\$179,087</b>
<b>EXPENDITURES</b>				
Personnel	\$14,889,445	\$3,436,026	\$3,067,850	\$368,176
Extra Help	\$880,633	\$203,223	\$322,386	(\$119,163)
Support	\$5,006,524	\$1,155,352	\$1,283,393	(\$128,041)
Contracts	\$461,667	\$106,539	\$59,220	\$47,319
Equipment	\$814,495	\$187,960	\$177,164	\$10,796
<b>TOTAL EXPENDITURES</b>	<b>\$22,052,764</b>	<b>\$5,089,099</b>	<b>\$4,910,013</b>	<b>\$179,087</b>
<b>FORESTRY</b>				
<b>THROUGH SEPTEMBER 30, 1999</b>	<b>FY 00 BUDGET</b>	<b>FY 00 BUDGET THRU</b>	<b>FY 00 ACTUAL THRU</b>	<b>00 BUDGET LESS ACTUAL 00</b>
		<b>SEPTEMBER</b>	<b>SEPTEMBER</b>	
<b>RESOURCES</b>				
General Fund	\$1,764,696	\$407,238	\$396,221	\$11,017
Federal	\$460,000	\$106,154	\$106,154	(\$0)
Forestry Enhancement Fund	\$251,690	\$58,082	\$8,916	\$49,166
Forestry Receipts	\$932,000	\$215,077	\$215,077	(\$0)
Other	\$68,700	\$15,854	\$308	\$15,546
<b>TOTAL RESOURCES</b>	<b>\$3,477,086</b>	<b>\$802,404</b>	<b>\$726,676</b>	<b>\$75,728</b>
<b>EXPENDITURES</b>				

Personnel	\$2,328,108	\$537,256	\$434,082	\$103,174
Extra Help	\$130,351	\$30,081	\$29,355	\$726
Support	\$842,321	\$194,382	\$238,512	(\$44,130)
Contracts	\$46,000	\$10,615	\$1,300	\$9,315
Equipment	\$130,306	\$30,071	\$23,427	\$6,644
<b>TOTAL EXPENDITURES</b>	<b>\$3,477,086</b>	<b>\$802,404</b>	<b>\$726,676</b>	<b>\$75,728</b>
<b>PARKS PRESERVES AND RECREATION THROUGH SEPTEMBER 30, 1999</b>	<b>FY 00 BUDGET</b>	<b>FY 00 BUDGET THRU</b>	<b>FY 00 ACTUAL THRU</b>	<b>00 BUDGET LESS ACTUAL 00</b>
	<b>BUDGET</b>	<b>SEPTEMBER</b>	<b>SEPTEMBER</b>	<b>ACTUAL 00</b>
<b>RESOURCES</b>				
General Fund	\$6,316,603	\$1,902,509	\$1,974,287	(\$71,778)
Federal	\$50,000	\$11,538	\$9,000	\$2,538
Park Receipts	\$3,449,311	\$795,995	\$795,995	(\$0)
Infrastructure	\$69,191	\$15,967	\$31,317	(\$15,350)
Other	\$303,039	\$69,932	\$103,729	(\$33,797)
<b>TOTAL RESOURCES</b>	<b>\$10,188,144</b>	<b>\$2,795,941</b>	<b>\$2,914,328</b>	<b>(\$118,387)</b>
<b>EXPENDITURES</b>				
Personnel	\$5,177,638	\$1,194,840	\$1,078,234	\$116,606
Extra Help	\$1,579,202	\$809,262	\$809,262	\$0
Support	\$2,940,990	\$678,690	\$819,720	(\$141,030)
Contracts	\$131,265	\$30,292	\$35,983	(\$5,691)
Equipment	\$359,049	\$82,857	\$171,129	(\$88,272)
<b>TOTAL EXPENDITURES</b>	<b>\$10,188,144</b>	<b>\$2,795,941</b>	<b>\$2,914,328</b>	<b>(\$118,387)</b>

<b>WASTE MANAGEMENT THROUGH SEPTEMBER 30, 1999</b>	<b>FY 00 BUDGET</b>	<b>FY 00 BUDGET THRU</b>	<b>FY 00 ACTUAL THRU</b>	<b>00 BUDGET LESS ACTUAL 00</b>
	<b>BUDGET</b>	<b>SEPTEMBER</b>	<b>SEPTEMBER</b>	<b>ACTUAL 00</b>
<b>RESOURCES</b>				
Groundwater Fund	\$1,575,724	\$363,629	\$307,667	\$55,962
Federal	\$159,349	\$36,773	\$8,947	\$27,826
Waste Volume Reduction Fund	\$61,188	\$14,120	\$12,552	\$1,568
Waste Tire Program	\$56,349	\$13,004	\$10,542	\$2,462
<b>TOTAL RESOURCES</b>	<b>\$1,852,610</b>	<b>\$427,525</b>	<b>\$339,708</b>	<b>\$87,817</b>
<b>EXPENDITURES</b>				

Personnel	\$889,174	\$205,194	\$185,857	\$19,337
Extra Help	\$144,975	\$33,456	\$30,405	\$3,051
Support	\$348,388	\$80,397	\$57,922	\$22,475
Contracts	\$460,323	\$106,228	\$61,711	\$44,517
Equipment	\$9,750	\$2,250	\$3,813	(\$1,563)
<b>TOTAL EXPENDITURES</b>	<b>\$1,852,610</b>	<b>\$427,525</b>	<b>\$339,708</b>	<b>\$87,817</b>

Ms. Hanson presented an update on the budget noting that most divisions are under budget. She noted that the only deficit is in the Parks area and that is not unusual for that division, adding that they typically purchase supplies and equipment during the summer and fall months and then it tapers off during the winter months. She related that staff does not anticipate the deficit being a problem. She provided further details on the various funds and expenditures.

<b>INFORMATIONAL ONLY</b>
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## MONTHLY REPORTS

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

### RULEMAKING STATUS REPORT

December 1, 1999

PROPOSAL	NOTICE TO COMM	NOTICE PUBLISH	RULES REVIEW COMM	HEARING	FINAL RULE TO COMM	RULES ADOPTED	RULES PBULISH	RULES REVIEW COMM	RULE EFFECTIVE
1. Ch. 22 – Revised Cap – Title V Permits	11/15/99	12/15/99	*1/04/00	*1/14/00	*2/21/00	*2/21/00	*3/13/00	*4/03/00	*5/14/00
2. Ch. 23 – Adoption by Reference – NESHAPS	11-15-99	12-15-99	*1/04/99	*1/14/00	*2/21/00	*2/21/00	*3/13/00	*4/03/00	*5/14/00
3. Ch. 60, 62, 63 – Monitoring, Reporting and Analytical Requirements	10/18/99	11/17/99	12/07/99	12/10/99	*1/17/00	*1/17/00	*2/09/00	*3/07/00	*4/03/00
4. Ch. 61 – WQ Standards – Nationwide Permits					10/18/99	10/18/99	11/17/99	12/07/99	*12/22/99
5. Ch. 64 – Stormwater Permits	4/19/99	5/19/99	6/08/99	6/18/99	10/18/99	10/18/99	11/17/99	12/07/99	*12/22/99

6. Ch. 65 - Animal Feeding Operation Clarification					12/20/99	*12/20/99	*1/12/00	*2/08/00	*12/21/99
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### VARIANCE REPORT

November, 1999						
Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	Monsanto Company-Parkersburg	Air Quality	Montgomery Watson	Permit Requirements	Approved	11/01/99
2	PCS Nitrogen Fertilizer-Clinton	Air Quality		Permit Requirements	Approved	11/17/99
3	Chillicothe, City of	Wastewater Construction	Garden & Associates	Number of Lagoon Cells	Approved	11/15/99
4	Crawfordsville, City of (Wapello Rural Water Association)	Wastewater Construction	Garden & Associates	Inter-Cell Control Structures	Approved	11/15/99
5	Crawfordsville, City of (Wapello Rural Water Association)	Wastewater Construction	Garden & Associates	Number of Lagoon Cells	Approved	11/15/99
6	Crawfordsville, City of (Wapello Rural Water Association)	Wastewater Construction	Garden & Associates	Valve Pit	Approved	11/15/99
7	Crawfordsville, City of (Wapello Rural Water Association)	Wastewater Construction	Garden & Associates	Manhole Spacing	Approved	11/15/99
8	Crawfordsville, City of (Wapello Rural Water Association)	Wastewater Construction	Garden & Associates	Pond Influent Piping	Approved	11/15/99
9	Hawkeye Leisure Trailers-Humboldt	Wastewater Operation		Monitoring Frequency	Approved	11/03/99
10	Greeley Commercial Club-Greeley	Watersupply Construction	Buesing & Associates, Inc.	Siting Criteria	Approved	11/04/99

### HAZARDOUS SUBSTANCE/EMERGENCY RESPONSE REPORT

During the period November 1, 1999, through November 30, 1999, 55 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Total Incidents	Petroleum Product	Agri - Chemical	Other Chemicals	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
Oct.	52(52)	40(28)	7(11)	5(13)	22(20)	0(2)	29(24)	1(1)	0(0)	0(5)
Nov.	55(57)	32(35)	9(9)	14(13)	27(20)	1(2)	22(29)	2(1)	0(0)	3(5)
Dec.										

Jan.										
Feb.										
Mar.										
Apr.										
May										
Jun.										
Jul.										
Aug.										
Sept.										

(numbers in parentheses for the same period in fiscal year '99)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
9	6	9	2	14	15

**ENFORCEMENT STATUS REPORT**

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Elizabeth Flannegan d/b/a Flannegan Sanitary Landfill, Emmetsburg (3)	Solid Waste	Permit Condition Violations; Cover Violations	Order/Penalty \$10,000	10/21/99
Leonard Rayhons; Randy Schleusner, Hancock Co. (2)	Animal Feeding Operation	Prohibited Discharge – Confinement; Operational Violations – Freeboard	Order/Penalty \$3,000	10/27/99
Iowa Select Farms, L.P./AG Waste Consultants, Inc., Hamilton Co. (2)	Animal Feeding Operation	Prohibited Discharge – Confinement	Order/Penalty \$3,000	11/05/99
Scott Paulson, Forest City (2)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$1,000	11/12/99
Oakview Construction, Inc., Red Oak (5)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$2,000	11/12/99
Iowa Great Lakes Sanitary District, Milford (3)	Wastewater	Monitoring/Reporting	Order/Penalty \$2,000	11/12/99

Arthur, City of (3)	Wastewater	Monitoring/Reporting; Discharge Limits; Operational Violations	Order/Penalty \$1,000	11/17/99
Stellar Industries, Inc., Garner (2)	Air Quality	Construction Without Permit	Consent Amendment	11/17/99
Oelwein City Park, Oelwein (1)	Drinking Water	MCL – Bacteria; Public Notice	Order	11/22/99
Peter J. Orth f/d/b/a Strauss Bros. Conoco, Burlington (6)	Underground Tank	Site Assessment; Remedial Action	Order/Penalty \$9,400	11/24/99
Omaha Cold Storage Terminals Inc., Ft. Dodge (2)	Wastewater	Construction Without Permit; Prohibited Discharge	Order/Penalty \$1,500	11/24/99
Dr. Mike Miller d/b/a Eastridge Animal Center, Chariton (5)	Air Quality	Construction Without Permit	Order/Penalty \$2,000	11/24/99
Environmental Management Services of Iowa, Inc., Dubuque (1)	Air Quality	Asbestos	Order/Penalty \$5,000	11/24/99
Peavey Company, Dubuque (1)	Air Quality	Fugitive Dust	Order/Penalty \$1,500	11/24/99
Hog Slat, Inc., Humboldt (2)	Air Quality	Fugitive Dust	Order/Penalty \$1,000	11/24/99
Bowlaway Lanes, New Hampton (1)	Drinking Water	Monitoring/Reporting – Nitrate; Public Notice	Order/Penalty \$100	2/23/99
Country Terrace Mobile Home Court, Boone (5)	Drinking Water	Monitoring/Reporting – Bacteria, Other Inorganics, Organics, Radioactivity; MCL – Radioactivity; Public Notice	Order/Penalty \$5,000	2/25/99

### CONTESTED CASE REPORT

Date Receiv ed	Name of Case	FO	Action Appealed	Progra m	Assig ned To	Status
6/08/89	Shaver Road Investments	1	Site Registry	HW	Tack	Settled Consent order sent to responsible party for signature.
6/08/89	Hawkeye Rubber Mfg. Co.	1	Site Registry	HW	Tack	Settled Consent order sent to responsible party for signature.
6/08/89	Lehigh Portland Cement Co.	2	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
11/03/89	Bridgestone/Firestone, Inc.	5	Site Registry	HC	Murphy	Hearing continued pending negotiations Settlement proposed 8/96.
5/08/90	Texaco Inc./Chemplex Co. Site	6	Site Registry	HW	-----	Settlement proposed.
5/14/90	Alter Trading Corp. (Council Bluffs)	4	Admin Order	SW	Tack	Permit issued District court suit dismissed Field Office overseeing compliance. Progress reports received.
6/20/90	Des Moines, City of	5	NPDES Permit Cond	WW	Hansen	EPD met with City to resolve appeal issues. Follow-up with EPD regarding status-3/97.

7/02/90	Keokuk Savings Bank and Trust; Keokuk Coal Gas Site	6	Site Registry	HW	----	Hearing continued.
7/30/90	Key City Coal Gas Site; and Howard Pixler	1	Site Registry	HW	----	Decision appealed (Pixler).
8/01/90	J I. Case Company	6	Site Registry	HW	Preziosi	Hearing continued indefinitely pending cleanup of neighboring site. Checked status 6/9/99. No change.
1/07/91	Joe E. Eggers, Jr.; Joe and Mary Eggers	2	Admin. Order/Penalty	SW	Tack	Settlement reached. Penalty rescinded. Closed.
9/25/91	Archer Daniels Midland	6	Admin Order	SW	Tack	DNR engineers reviewing documents. Closure permit application due 8/1/99.
1/17/92	Hickory Hollow Water Co.	5	Admin Order/Penalty	WS	Hansen	Settlement offer to WS. Counter offer 7/13/93 Dept. response on 8/3/93. Facility response 8/11/93. 12/93 Dept. letter to attorney Construction permit issued for fluoride removal. Facility to be installed by 10/30/94. Letter to attorney regarding appeal closure. Response requested by 6/2/96. 5/30/96 - Response received indicating compliance and requesting waiver of penalty. 9/30/96 Request for waiver of penalty denied. Facility attorney to submit new proposal Dept. to offer settlement proposal.
4/09/92	Wayne Transports, Inc.	2	Admin. Order/Penalty	WW	Murphy	12/99-Data under review for possible rescission.
5/12/92	Paris & Sons, Inc.	1	Site Registry	HC	Wornson	Negotiating within bankruptcy proceeding.
11/16/92	Frank Hulshizer	1	Admin Order/Penalty	SW	Tack	Settled. Tire pile to be cleaned up with abatement fund. Responsible party to assist in cleanup.
4/05/93	Mapleton, City of	4	WW Operator Certification	WW	Hansen	Under review by EPD. Appeal discussion with EPD staff. To be set for hearing.
4/12/93	LeMars, City of	3	Admin Order/Penalty	WW	Hansen	Construction permit issued. Schedule submitted by City for remaining construction found unacceptable. Request for acceptable schedule - 1/31/96. Schedule received; under review by WW Permits Dept. letter regarding resolution of appeal.
7/09/93	Oakwood Park Water, Inc	5	Admin Order/Penalty	WS	Hansen	Construction permit issued 2/94. Facility to be installed by 11/30/94. Letter to attorney regarding appeal resolution. Response requested by 6/2/96. 5/30/96 - Response received indicating compliance and requesting waiver of penalty. 9/30/96 Request for waiver of penalty denied. Facility attorney to submit new proposal. Dept to offer settlement proposal.
7/20/93	Valley Restaurant/Sierp Oil; Mary & Carl Sierp; and Robert Radford (7LTY50)	4	Admin Order	UT	Wornson	Tier 2 submitted. Rejected. Revised Tier 2 submitted 8/3/99, rejected. Revised plan due 12/16/99.
3/03/94	Burlington Northern Railroad		Tax Certification	WW	Hansen	3/96 - Letter to company regarding appeal. Response requested by 4/30/96. 5/96 - Follow-up letter sent. Response requested by 6/28/96. Follow-up letter sent. Response from company that appeal is being reviewed. Dept. letter to facility regarding closing appeal.
7/12/94	Tom Wiseman (8LTP62)	2	Admin. Order/Penalty	UT	Wornson	Compliance initiated 5/25/99; due 12/31/99.
8/12/94	Karl and Thelma Boylan d/b/a Boylan's Service (8LT088)	4	Admin Order/Penalty	UT	Wornson	Placed on state lead. Dismissed without prejudice.
8/29/94	B and B Tire and Oil	4	Admin Order/Penalty	UT	Wornson	Tier 2 submitted. High risk. CADR due 12/31/99. Penalty to be settled.
9/02/94	Crabtree Lake Resort	5	Admin Order/Penalty	WW	Hansen	Facility in compliance. Facility has no discharge WW system. Letter sent resolving appeal. Closed.
9/09/94	American Coals Corp., Site 5 (Bussey)	5	Admin Order/Penalty	SW/AQ	Tack	Consent order sent to parties. Awaiting Dept. of Agriculture resolution.
9/15/94	Bankston	1	Admin Order/Penalty	WS	Hansen	1/95 - Information from City. Compliance initiated. Respond to City regarding settlement. Letter to facility resolving appeal. Closed.
9/16/94	Wunschel Oil Co.; Vernus Wunschel; Jacquelyn Wunschel; Mark Wunschel (Ida Grove)	3	Admin Order/Penalty	UT	Wornson	Consent order. SCR received. Revisions to SCR required - overdue. Follow-up letter sent 2/26/96. UST Fund conducting further assessment and free product removal.
9/26/94	James D. Foust	5	Admin Order/Penalty	SW	Tack	Hearing continued by ALJ because of bankruptcy.
10/07/94	Titan Wheel International	6	Admin Order/Penalty	WW	Hansen	Revised BMR report submitted/reviewed by WW Permits. Letter to facility regarding report. To be set for hearing.
11/14/94	Tom Babinat d/b/a Tom's Car Care	2	Admin Order/Penalty	UT	Wornson	Inability to pay established. State lead - tanks removed. Admin. Order dismissed. Closed.
1/13/95	Simonsen Industries, Inc.	5	Admin Order/Penalty	WW	Hansen	2/28/95 - Submittal by facility's engineer regarding land application of sludge. Under review by WW permits staff. Update requested from WW staff.
2/23/95	Lehigh Portland Cement	2	Permit Conditions	WW	Hansen	Informal settlement meeting held on 6/96. Facility to provide status report regarding ISS permit limit by 9/20/96. To be set for hearing.
3/23/95	American Coals Corp.	5	Admin Order	SW	Tack	Awaiting consent order approval. Awaiting Dept. of Agriculture resolution.
4/13/95	The Weitz Corp.; Barton Solvents, Inc.	5	Admin. Order	HC	Tack	Remediation plan received 5/27/96.
5/25/95	Fremont County SLF	4	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
6/20/95	Toledo, City of	5	Permit Conditions	WW	Hansen	WW permits to negotiate settlement. Status of

						negotiations requested 1/9/96 Dept letter to facility's engineer regarding resolving appeal.
6/23/95	Leonard C. Page	4	Admin. Order/Penalty	SW	Tack	Settlement offer pending.
7/03/95	Donald J. Foreman d/b/a D & R Feedlots	3	Admin. Order/Penalty	WW	Hansen	Negotiating before filing
7/05/95	Boyer Valley Co.	4	Admin. Order/Penalty	WW	Hansen	Informal meeting held for 6/7/96 Response from facility due 6/28/96 Response received from facility 7/96.
7/10/95	Donald Krieger	3	Admin. Order/Penalty	UT	Wornson	Tanks removed. Dismissed without prejudice.
7/10/95	Gilbert Persinger/Smithland Store	3	Admin. Order/Penalty	UT	Wornson	SCR received - rejected. Review progress Proposed for state lead.
8/01/95	Wilbur McNear d/b/a McNear Oil Co./Charter Oak	4	Admin. Order/Penalty	UT	Wornson	SCR received/rejected Referral for state lead Resolve penalty.
9/06/95	Kraft Foods Inc ; Oscar Mayer Division	6	Variance Denial	WW	Hansen	Follow-up letter requesting information sent 1/12/96 Letter 2/19/96 granting additional time for information. 6/96 - additional information received by WS staff for review 7/96 - Request for variance, as modified, granted. 8/96 - Construction permit for new well granted 10/96 - Letter to engineer regarding dismissal of appeal.
9/20/95	FKI Industries, Inc ; Fairfield Aluminum, Inc.	6	Admin. Order	WW/HC	Murphy	Negotiating before filing. Attorneys contacted 2/99.
10/17/95	Weber Construction, Inc.	1	Admin. Order/Penalty	AQ	Preziosi	Hearing held 4/25/97 Decision received in DNR's favor. Penalty reduced Decision appealed to EPC 6/6/97 Briefs due to EPC 9/4/97 ALJ decision upheld Petition for review 11/19/98 Appealed to District Court District Court affirmed final agency action Awaiting appeal period..
11/03/95	Jack Pinney Operations, Inc aka Jack Pinney Grading	3	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment
12/12/95	Vernon Kinsinger, K & K Sanitation	6	Admin. Order/Penalty	AQ/SW	Tack	Clean-up progressing. Working with F O #6. Receiving penalty payments.
1/11/96	Climax Molybdenum Company	6	Admin. Order/Penalty	AQ/HC	Preziosi	Settled. Penalty paid 11/23/99. Closed.
1/12/96	Clarence, City of	6	Admin. Order/Penalty	WW	Hansen	1/96 - Facility inspected by FO 6. 9/96 letter from facility attorney stating construction completed.
1/25/96	Hidden Valley Mobile Home Park	6	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
3/11/96	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	Facility inspected by FO. Now in compliance.
3/14/96	Laurel, City of	5	Admin. Order	WW	Hansen	Information submitted by city under review by WQ section..
3/14/96	Lamoni, City of	5	Admin. Order	WW	Hansen	Flow information requested from City's engineer. New waste load allocation and permit limits requested.
3/19/96	Obie's West	1	Admin. Order	WS	Hansen	Settled. Dept. letter sent closing appeal.
3/22/96	Mt Joy Mobile Home Park	6	Admin. Order/Penalty	WW	Hansen	3/25/96 Inspection by FO 6. Facility in compliance.
3/26/96	Louisa-Muscatine Community School	6	Admin. Order/Penalty	WS	Hansen	Negotiating before filing.
5/07/96	Lakeview Mobile Home Park	5	Admin. Order/Penalty	WW	Hansen	6/20/96 - informal meeting held Facility to provide settlement offer by 7/15/96 Settlement offer received from facility - under review.
5/14/96	Gary Lee Walker	4	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
5/16/96	Grand Laboratories, Inc.	3	Permit Denial	WW	Hansen	Information received and reviewed by EPD Settlement offer and revised permit sent to facility 7/97 Response received 8/97 Under review by EPD Facility to provide further response and settlement offer to DNR by 3/15/98 3/13/98 Dept received proposal from facility engineer 3/20/98 Dept review of proposal completed 8/98 - Letter to Grand Labs rejecting their proposal 9/25/98 letter from Grand Labs regarding settlement Grand Labs to submit new settlement 3/99 5/99 Grand Labs submitted settlement proposal; under review by WW and WQ staff
5/29/96	Haasco, Ltd.	1	Admin. Order/Penalty	AQ	Preziosi	Sent to DIA.
6/07/96	Clow Valve Company	5	Permit Conditions	AQ	Preziosi	Negotiating before filing Settlement meeting set for 11/17/99. Hearing set for 12/14/99.
6/10/96	DeCoster Farms of Iowa (19 sites)	2	Admin. Order	AFO	Clark	Proposed decision 11/25/96 Appealed to EPC 12/27/96.
6/10/96	DeCoster Farms of Iowa (5 sites)	2	Permit Denial	WR	Clark	Proposed decision 11/25/96 Appealed to EPC 12/27/96.
8/01/96	DeCoster Farms of Iowa (Nursery Unit 7 - Wright Co.)	2	Permit Denial	AFO	Clark	Proposed decision 11/25/96 12/27/96 - Appealed to EPC.
8/01/96	DeCoster Farms of Iowa (Boomsma Egg Site #1)	2	Admin. Order/Penalty	AFO	Clark	Hearing continued - date to be set
8/09/96	Gene and Margaret Palmersheim d/b/a G & M Service Mart 8LT593	1	Admin. Order/Penalty	UT	Wornson	Tier 2 received Negotiating penalty Placed on State lead.
8/19/96	Capitol Oil Co., Inc d/b/a Dakota Mobile Home Park	6	Admin. Order/Penalty	WW	Clark	Penalty installments received. Settled pending receipt of all installments.
9/24/96	North Star Steel Iowa		Permit Denial	AQ	Preziosi	Negotiating before filing.
10/11/96	DeCoster Farms of Iowa (96-WW-32).	2	Admin. Order	AFO	Clark	Hearing continued indefinitely
10/17/96	DeCoster Farms of Iowa (Nursery Unit 3 - Wright Co.)	2	Permit Revocation	AFO	Clark	Hearing continued indefinitely

## Environmental Protection Commission Minutes

December 1999

10/28/96	Fischer Controls International		Permit Conditions	WW	Hansen	Negotiating before filing.
12/02/96	Organic Technologies Corp.	5	Permit Denial	SW	Murphy	Proposed decision received 8/1/97; appealed Affirmed by EPC 11/17/97. Petition for judicial review 12/18/97. Affirmed 6/12/98 Appeal to Supreme Court. Briefs filed 2/99.
12/05/96	Organic Technologies Corp -----91-SDP-02-94P	5	Admin Order/Penalty Intended Permit Revoc.	SW	Murphy	Proposed decision received 8/1/97; appealed Affirmed by EPC 11/17/97. Petition for judicial review 12/18/97. Affirmed 6/12/98 Appeal to Supreme Court. Briefs filed 2/99.
1/02/97	Ruan Leasing Co., aka Ruan Transportation Management Systems	6	Admin Order	AQ	Preziosi	Negotiating before filing
2/19/97	Cliff's Place, Inc.	1	Admin. Order/Penalty	WS	Hansen	Compliance initiated.
3/20/97	Sylvan Acres	1	Admin. Order/Penalty	WS	Hansen	Compliance initiated.
7/22/97	CIPCO		Construction Permit Conditions	AQ	Preziosi	Negotiating before filing
7/22/97	Robert P. Frees; Elizabeth R. Mathes	6	Admin. Order/Penalty	SW	Tack	Settlement reached. Cleanup underway.
7/30/97	Country Pumpkin	4	Admin Order/Penalty	WS	Hansen	Returned to compliance for nitrate and bacteria sampling.
8/01/97	Dodger Enterprises Co., Tire Chop Division; Donald Grell	2	Admin Order	SW	Murphy	Proposed decision 6/26/98 Appeal to EPC Affirmed 9/21/98. Appealed to District Court Affirmed 11/8/99.
8/05/97	Biovance Technologies	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/08/97	Iowa Waste Systems, Inc.; Fayette Co Solid Waste Mgmt. Comm	1	Admin Order/Penalty	SW	Tack	Settlement reached with Fayette County Hearing requested for Iowa Waste Systems Amended order appealed 10/29/99.
8/18/97	Stellar Industries Inc.	2	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
8/25/97	Joyce Wagner; Bruce Manthe d/b/a Wagner Truck Wash	3	Admin Order/Penalty	WW	Murphy	Penalty payment received 10/15/99 Closed
9/17/97	Keokuk Steel Castings	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
9/25/97	Iowa Mold Tooling Co., Inc.	2	Admin. Order/Penalty	AQ	Preziosi	Settlement close.
10/6/97	North Central Cooperative	2	Admin. Order/Penalty	HC/WW	Murphy	Set for hearing 12/28/99.
11/19/97	Troy Elevator, Inc	6	Admin Order/Penalty	WW/HC	Murphy	Settled. Penalty payment received 10/15/99 Closed.
12/02/97	Dows, City of	2	Admin Order	WW	Hansen	F O 2 inspection 3/98 To be set for hearing 4/99 - Letter received from City engineer regarding stream study.
12/12/97	Donald E. Grell; Dodger Enterprises, Tire Chop Division	2	Notice of Intent to Revoke Solid Waste Permit; Denial of Application for New Waste Tire Mgmt. Permit	SW	Murphy	Proposed decision 6/26/98 Appeal to EPC Affirmed 9/21/98. Appealed to District Court Affirmed 11/8/99.
1/13/98	DeCoster Farms of Iowa (Nursery #8) (Wright Co.)	2	Admin Order/Penalty	AFO	Clark	Negotiating before filing
1/16/98	Pilgrim Heights Camp		NPDES Permit Conditions	WW	Hansen	Negotiating before filing.
1/23/98	Sac City	3	Admin. Order/Penalty	WW	Hansen	Status report received from city's consultant.
1/30/98	Rockwell City	3	Admin Order/Penalty	WW	Hansen	Meeting on 4/22/98 with city's engineer regarding facility plan.
3/06/98	Enviro Safe Air, Inc. (98-AQ-05)	4	Admin. Order/Penalty	AQ	Brabec	Hearing rescheduled for 1/11/00.
3/16/98	Pathway Christian School	6	Admin. Order/Penalty	WS	Hansen	Negotiating before filing.
4/03/98	Pictured Rocks Methodist Camp		Admin Order/Penalty	WS	Hansen	Facility agreed to install chlorination FO 2 inspection on 6/29/98.
4/03/98	Cooperative Oil Company; Mickey Berg	2	Admin Order	UT/WW	Wornson	Compliance complete. Review and close Monitoring required Spring 2000.
4/23/98	North Liberty, City of	6	Admin. Order	WW	Hansen	Negotiating before filing.
4/27/98	Weise Corporation	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
5/04/98	Ben Haven Mobile Home Court	1	Admin. Order/Penalty	WS	Hansen	Chlorination system installed by WS.
7/01/98	Ag Processing, Inc.	4	Permit Conditions	AQ	Preziosi	Negotiations continue.
7/27/98	Mitchell Dam Bar		Permit Conditions	WS	Hansen	Negotiating before filing.
7/29/98	Eagle Lane Corporation	6	Admin Order/Penalty	WS	Hansen	Water supply in compliance with monitoring requirements.
7/29/98	Archer Daniels Midland 98-A-507P thru 98-A-515P	6	Permit Provisions	AQ	Preziosi	Negotiating before filing
8/13/98	Obie's Hurstville Tap	1	Admin Order	WS	Murphy	Letter sent 2/26/99 On hold pending monitoring.
8/18/98	University of Iowa	6	Permit Conditions	WW	Hansen	Settlement offer sent 10/98 Follow-up letter sent 3/22/99 U of I to submit response to Dept. settlement offer by 5/28/99 Information submitted by U of I Wastewater staff revised permit in response to information received.
9/15/98	Verton S. Miller	6	Admin Order/Penalty	AFO	Clark	Settled. Final penalty payment received 11/9/99.
9/29/98	Randy Foth d/b/a Foth Lumber Co.	2	Admin. Order/Penalty	AQ	Kaizer	Settled. Partial penalty payment received.
10/03/98	Ag Processing, Inc. (Emmetsburg)	4	Permit Exemption Denial	AQ	Preziosi	Settlement close.
10/06/98	M & W Pallett Co.	6	Admin. Order	SW	Tack	Clean-up continuing.
10/08/98	West Liberty, City of	6	Admin. Order/Penalty	WW	Hansen	Informal procedures requested.
10/09/98	Elm's Corporation of Linn County (8LIX55)	1	Admin Order/Penalty	UT	Wornson	Compliance initiated Tanks removed Tier 2 overdue Tier 1 submitted 10/14/99 Awaiting review.
10/13/98	The Legacy Group, L C.; Easter Lakes Estate Site	5	Admin Order/Penalty	WW	Murphy	Settlement meeting 12/8/99
11/05/98	Jim Arenson Chevrolet		Permit Revisions	WS	Hansen	Compliance initiated WS installed disinfection equipment WS needs to submit P & S for review by WS engineer and have equipment inspected by F.O. 1.
11/06/98	Barr Farm Venture and Mel Foster Co Properties	6	Admin Order/Penalty	WW	Murphy	Settlement offer 11/19/99

11/13/98	Caseys General Stores, Inc. (Johnston Store)	5	Admin Order/Penalty	UT	Wornson	Compliance initiated Consent order with penalty finalized. Penalty payment received Closed.
11/19/98	Jacobs Energy Corporation		Permit Denial	AQ	Preziosi	Negotiating before filing.
11/30/98	Robert Diehl	5	Admin. Order/Penalty	WW/WS	Murphy	Construction permit application received.
12/01/98	Underwood Motel	4	Admin Order/Penalty	WS	Hansen	Sanitary survey completed by F.O. 4. Public notice posted.
12/01/98	Dyersville Golf & Country Club	1	Admin. Order/Penalty	WS	Murphy	Settled. Awaiting penalty payment.
12/07/98	Krauss Serene Wooded Acres	6	Admin. Order/Penalty	WS	Murphy	Settlement offer 9/1/99.
12/16/98	Richard Swailes		Permit Denial	FP	Clark	Negotiating before filing.
12/24/98	Keokuk Steel Castings Co., Inc.	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
1/04/99	Duane Hanson d/b/a Cedar Valley Tire Recycling	1	Admin Order/Penalty	SW	Tack	Cleanup continuing
1/13/99	Bernadette Ryan	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
1/26/99	Lomrie King	5	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
1/29/99	Wareco Services, Inc.	6	Admin Order/Penalty	UT	Wornson	Compliance nearly complete Negotiating penalty.
2/05/99	West Union Cooperative Co.	1	Admin. Order/Penalty	WW	Murphy	Settlement proposed 9/99.
2/10/99	Bawden Printing		Permit Conditions	AQ	Preziosi	Negotiating before filing.
2/23/99	Dennis Sharkey, Sr.	1	Admin Order/Penalty	AQ/SW	Tack	Settlement offer pending Hearing set for 12/17/99.
3/01/99	Williamsburg Manufacturing	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
3/04/99	Dayton, City of	2	Admin Order/Penalty	WW	Murphy	Engineering report submitted 5/99; 8/99 – under review.
3/04/99	Paris & Sons; Thomas Paris	1	Admin Order/Penalty	WW/HC	Wornson	Settlement reached Penalty paid Finalize settlement agreement..
3/08/99	Peter Bockenstedt	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/08/99	Augustus & Betty Lartius d/b/a Country Terrace Mobile Home Court	5	Admin Order/Penalty	WS	Hansen	Hearing set for 6/23/99 5/99 WS filed motion for continuance. Dept. filed resistance to continuance motion. Hearing set for 7/19-21/99, cancelled. Default judgment entered against facility owners. Motion to set aside default granted by ALJ. Hearing set for 10/18/ & 19/99. Settled. Administrative consent order with penalty agreed upon.
3/08/99	Augustus & Betty Lartius d/b/a Country Terrace Mobile Home Court	5	Admin Order/Penalty	WW	Hansen	Hearing set for 6/23/99 5/99 WS filed motion for continuance. Dept. filed resistance to continuance motion. Hearing set for 7/19-21/99, cancelled. Default judgment entered against facility owners. Motion to set aside default granted by ALJ. Hearing set for 10/18 & 19/99. Settled. Administrative consent order with penalty and compliance schedule agreed upon.
3/16/99	Des Moines Independent School District – North High School	5	Site Registry	HC	Tack	Negotiating before filing.
3/18/99	Ag Processing, Inc. (Sergeant Bluff)		Title V Operation Permit Conditions	AQ	Preziosi	Hearing continued. Second settlement meeting set for 8/18/99.
3/23/99	Matthew M. Daly	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/23/99	Daniel J. Gotto	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/31/99	Woolstock, City of	2	Admin Order/Penalty	WW	Hansen	Compliance initiated by City. To be set for hearing regarding penalty.
4/08/99	Fayette County Sanitary Landfill	1	Admin Order/Penalty	SW	Tack	Settlement reached with Fayette Co. Hearing requested for Iowa Waste Systems.
4/09/99	Ivan Stoltzfus	5	Admin. Order/Penalty	WW	Tack	Negotiating before filing.
4/15/99	Robert Simon	1	Admin. Order/Penalty	AQ/SW	Tack	Settled. Paying penalty on payment plan.
4/15/99	Shine Bros. Corp.		SWA Denial	SW	Tack	Settlement offer pending.
4/15/99	Shenandoah, City of	4	Admin. Order/Penalty	WW	Murphy	Settlement offer 9/1/99.
4/16/99	Cargill (Sioux City)	3	Title V Operation Permit Conditions	AQ	Preziosi	Negotiating before filing.
4/26/99	Gerald and Judith Vens	6	Admin. Order/Penalty	FP	Clark	Negotiating before filing.
4/28/99	Mid-County Water, Inc.	1	Admin. Order/Penalty	WS	Hansen	WS informed Dept. sampling will be done as required during appropriate sampling period (June 1999).
4/30/99	Anthony's Resort	1	Admin Order/Penalty	WS	Hansen	WS hired engineer to do engineering report with recommendations for correcting WS deficiencies. Chlorination installed at WS.
5/06/99	Hargrave McElenev, Inc.	6	Admin. Order/Penalty	WS	Hansen	Amended order to be issued.
5/12/99	Lehigh Portland Cement Co 99-A-225	2	Construction Permit Conditions	AQ	Preziosi	Negotiating before filing.
5/12/99	Lehigh Portland Cement Co. 99-A-179	2	Construction Permit Conditions	AQ	Preziosi	Negotiating before filing.
5/18/99	Horsley Specialties, Inc.	5	Admin. Order/Penalty	AQ	Brabec	Negotiating before filing.
5/18/99	Snap-On-Tools Co.	2	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
5/27/99	CGB Printing aka Rock Communications	5	Admin Order/Penalty	AQ	Preziosi	Negotiating before filing.
5/28/99	Flying J Inc.	5	Admin Order/Penalty	WW/UT	Murphy	Negotiating before filing. Settlement proposed by appellant 6/15/99.
6/28/99	Big Rock Country Club	1	Admin. Order/Penalty	WS	Tack	Negotiating before filing.
6/28/99	Wilcox All-Pro Tools & Supply	5	Admin. Order/Penalty	WW	Tack	Settled. Awaiting penalty payment.
6/28/99	Farmland Industries, Inc. (Eagle Grove)	2	Construction Permit Conditions	AQ	Preziosi	Settlement close
7/13/99	Aaron Tolander	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
7/16/99	Fairfield, City of	6	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
7/19/99	Celotex Corp. (Ft. Dodge)	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.

7/16/99	Glidden, City of	4	Admin. Order/Penalty	AQ	Breback	Negotiating before filing.
7/27/99	Affordable Asbestos Removal; Jeffry Intlekofer	6	Admin. Order/Penalty	AQ	Brabec	Hearing set for 2/28/00
8/04/99	Ashley Inn Motel and Trailer Court	2	Admin. Order/Penalty	WS	Hansen	F O 2 inspection on 7/21/99. Letter received 9/27/99 regarding compliance with A.O.
8/06/99	GKN Armstrong Wheels, Inc.	3	Admin. Order/Penalty	AQ	Preziosi	Meeting set for 12/9/99.
8/10/99	Muscatine County Sanitary Landfill	6	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
8/11/99	Beatrice Group, Inc.	1	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/13/99	Farmland Foods, Inc (Dubuque)	1	Construction Permit Conditions	AQ	Preziosi	Settlement close.
8/19/99	Case Corporation	6	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
8/19/99	Brogan's Pub & Grub	1	Admin. Order/Penalty	WS	Tack	Negotiating before filing.
8/25/99	Parker Industries	4	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
8/25/99	National By-Products, Inc.	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
9/07/99	Shine Bros. Corp.	3	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
9/08/99	Joe Denemark d/b/a Walnut Acres Campground	1	Admin. Order/Penalty	WS	Wornson	Partial compliance. Proposed consent order to settle.
9/08/99	Linwood Mining & Minerals	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
9/08/99	Fibre Body	2	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/09/99	Winneshiek County Memorial Hospital	1	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
9/13/99	Eugene P. Reed	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
9/13/99	CIPCO	1	NPDES Permit Conditions	WW	Hansen	Negotiating before filing.
9/21/99	Julie Rowe d/b/a Jewel's Food & Spirits	1	Admin. Order/Penalty	WS	Murphy	Negotiating before filing.
8/13/99	Farmland Foods, Inc (Denison))	1	Construction Permit Conditions	AQ	Preziosi	Settlement close.
9/10/99	Linwood Mining & Minerals	6	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/13/99	Dave & Theresa Cook d/b/a Curry Environmental Services	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
9/13/99	Stellar Industries, Inc.	2	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
9/24/99	Lorene Logue; Willy Holmes; Todd Holmes	5	Admin. Order/Penalty	AQ	Tack	Negotiating before filing.
9/29/99	McGregor, City of	1	Admin. Order/Penalty	WS	Murphy	Negotiating before filing.
9/29/99	Armstrong, City of	3	Admin. Order/Penalty	WS	Hansen	City has agreed to take action required by order for installation of treatment.
9/30/99	Rollin McAdams d/b/a McAdams Demolition Co. (Davenport)	1	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
10/11/99	Kenny Habben	2	Admin. Order/Penalty	AQ	Tack	Negotiating before filing.
10/12/99	Fernald Water System	5	Admin. Order/Penalty	WS	Clark	Negotiating before filing.
10/12/99	Brown Bottle Restaurant	1	Admin. Order/Penalty	WS	Hansen	New case. WS submitted preliminary engineering report regarding nitrate reduction. WS to install an ion exchange unit. Still need to submit construction permit applications and a schedule.
10/13/99	Camp Iodisca	6	Admin. Order/Penalty	WS	Clark	Penalty paid 11/22/99. Settled.
10/14/99	Crawfordsville, City of	6	Admin. Order/Penalty	WS	Murphy	Negotiating before filing.
10/15/99	Sac County Golf & Country Club	3	Admin. Order/Penalty	WS	Tack	Negotiating before filing.
10/19/99	Tara Hills Country Club	1	Admin. Order/Penalty	WS	Murphy	Negotiating before filing.
10/19/99	Dean Larsen (Martin Marietta)		Water Use Permit	WR	Clark	Hearing set for 1/7/00.
10/22/99	Barilla America, Inc.	5	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
10/22/99	Robert Fisher	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
11/03/99	Cargill, Incorporated (Cedar Rapids)	1	Permit Conditions	AQ	Preziosi	New case.
11/04/99	GKN Armstrong Wheels d/b/a Armstrong Rim & Tire	3	Admin. Order/Penalty	AQ	Preziosi	New case.
11/10/99	Michael L. Roberts	4	Admin. Order/Penalty	AQ	Tack	New case.
11/12/99	Osceola, City of	5	Admin. Order/Penalty	WW	Hansen	New case.
11/12/99	Logan, City of	4	Admin. Order	WW	Hansen	City requested new schedule because of additional time needed for condemnation proceedings due to change in statute.
11/12/99	Cargill, Incorporated (Iowa Falls)	2	Title V Operation Permit Conditions	AQ	Preziosi	New case.
11/15/99	Industrial Energy Applications	1	Permit Denial	AQ	Preziosi	New case.
11/15/99	Rocky Knoll Mobile Home Park	2	Admin. Order/Penalty	WS	Tack	New case.
11/19/99	Climax Molybdenum Co.	6	Permit Denial	AQ	Preziosi	New case.

## ATTORNEY GENERAL REFERRALS

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Adrian, Dean Clinton Co. (6)	Animal Feeding Operation	Prohibited Discharge- Open Feedlot; Water Quality Violations-	Referred to Attorney General	Referred Petition Filed	3/15/99 9/13/99

## General Criteria

Ballard, Randy Fayette Co. (1)	Flood Plain	Construction Without Permit	Order/Penalty	Referred Petition Filed Trial Date	5/29/96 6/05/98 1/13/00
Bodensteiner, Edward Des Moines (5) <b>UPDATED</b>	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed Motion for Partial Summary Judgment Trial Date	8/17/98 12/22/98 11/24/99 1/24/00
Citizens Against Golden Oval Winnebago Co. (2)	Animal Feeding Operation	DNR Defendant	Defense	Petition Filed Motion for Dismissal Resistance to Stay Hearing on Stay Petition for Stay Denied	8/20/99 9/07/99 9/07/99 9/07/99 10/05/99
DeCoster, A.J. Nursery Unit #3 Wright Co. (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Consolidated With Sow Unit #1 (See Below)	8/19/96 11/25/96 4/28/97
DeCoster, Austin J. Sow Unit #1 (2) <b>UPDATED</b>	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Ruling Denying Defendant's Motion for Partial Summary Judgment Ruling Granting State's Motion for Partial Summary Judgment Trial Ruling for State Defendant's Notice of Appeal Defendant's Proof Brief Filed State's Brief Supreme Court Arguments	1/22/97 4/24/97 9/02/97 9/04/97 9/16-18/97 1/15/98 2/13/98 7/08/98 10/08/98 12/13/99
DeCoster, Austin J. Sow Unit #11; Nursery Unit #7 Wright Co. (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Consolidated With Nursery Unit #4 (See Below)	6/20/97 3/20/98
DeCoster, Austin J. Nursery Unit #4 Wright Co. (2) <b>UPDATED</b>	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Trial Date Post Trial Brief Ruling on Petition (\$25,000/Civil) Defendant's Notice of Appeal Defendant's Brief	8/18/97 3/20/98 3/16/99 3/30/99 5/28/99 6/24/99 11/01/99
DeCoster, Austin J. Nursery M-1 Lucas Co. (5)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred	11/16/98

Enviro Safe Air, Inc. Sioux City (3)	Air Quality	Asbestos	Referred to Attorney General	Referred	10/18/99
Flannegan Conservation Service; Hugh J. Flannegan Emmetsburg (3)	Solid Waste	Operation Without Permit	Referred to Attorney General	Referred Closed	11/16/98
Grell, Don d/b/a Dodger Enterprises Ft. Dodge (2)	Air Quality	Open Burning	Order/Penalty	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Granted State's Motion for Partial Summary Judgment Order Granting Partial Summary Judgment Trial Date Ruling (\$3,500,000/Civil) Notice of Appeal	1/20/98 8/25/98 9/28/98 10/26/98 2/12/99 3/18/99 4/14/99 4/22/99 5/17/99
Grell, Don d/b/a Dodger Enterprises Ft. Dodge (2) <b>UPDATED</b>	Solid Waste	Illegal Disposal	Judicial Review	Petition Filed State's Answer Defendant's Brief State's Brief Hearing Ruling for State	10/19/98 11/17/98 7/23/99 8/24/99 9/09/99 11/18/99
Hahn, Oscar Solon (6)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred Petition Filed Entry of Default	12/18/95 4/18/96 11/01/96
Henry County Board of Supervisors Henry Co. (6)	Wastewater	Other; Operation Violations	Referred to Attorney General	Referred	2/15/99
Holnam Incorporated Mason City (2)	Air Quality	Excess Emissions	Referred to Attorney General	Referred	3/15/99
Hollingsworth, Daryl & Karen Indianola (5)	Underground Tank	Financial Responsibility	Order/Penalty	Referred	10/18/99
Huysen, James; Trust Trucking Lovilia (5)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed	11/21/94 4/18/96 9/20/96 9/20/96
Iowa Millenium Investors, LLC Des Moines (5)	Underground Tank	Site Assessment	Order/Penalty	Referred	10/18/99

LaFarge Corporation Davenport (6)	Air Quality	Excess Emissions	Referred to Attorney General	Referred	3/15/99
Larson, Daryl Jones Co. (1)	Animal Feeding Operation	Freeboard Cleanup Costs	Referred to Attorney General	Referred	5/17/99
Lehigh Portland Cement Co. Mason City (2) <b>UPDATED</b>	Air Quality	Construction Without Permit	Referred to Attorney General	Referred Petition Filed	8/17/98 11/05/99
Martinez, Vincent d/b/a Martinez Service Davenport (6)	Sewer Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed Partial Default Judgment (Injunction)	2/17/92 12/21/92 10/11/94
Mills County Landfill Assn. & Remonot County Landfill Assn. Mills Co. (4)	Solid Waste	DNR Defendant	Defense	Petition Filed Answer Filed	11/05/99 11/29/99
Morgan, Ron d/b/a Action Jack's Paintball Park Polk Co. (5)	Solid Waste	Illegal Disposal	Order/Penalty	Referred	2/15/99
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Polk Co. (5)	Solid Waste	Permit Violations	Order/Permit Revocation	Judicial Review Petition Filed Ruling for State Notice of Appeal	12/21/97 6/12/98 7/19/98
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction	12/15/97 10/02/98 2/04/99 4/19/99
Pewe Mercantile, Inc.; Dion Pewe Grand Mound (6) <b>UPDATED</b>	Underground Tank	Insurance Violation; Site Check	Order/Penalty	Referred Petition Filed Trial Date	11/16/98 4/08/99 12/04/00
Phillips, Jeff; Phillips Recycling Story Co. (5)	Wastewater	Stormwater; Operation Without Permit	Order/Penalty	Referred	8/16/99
Reed, Verna and Don; Andrea Silsby Union Co. (4)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Entry of Default	6/20/94 8/10/94 12/12/94
Relative, Inc.; Doug Smuck	Underground			Referred	10/17/94

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Des Moines (5)	Tank	Insurance Violation	Order/Penalty	Petition Filed Order Granting Default Judgment	5/12/95 11/26/96
Sale-R-Villa Construction Co. Carl A. Burkhardt Perry <b>UPDATED</b>	Air Quality (5)	Asbestos	Order/Penalty	Referred Motion for Judgment Hearing Order Granting Judgment (\$7,000/Admin.)	3/15/99 9/21/99 11/02/99 11/02/99
Spillway Supper Club Harpers Ferry (1)	Drinking Water	Permit Renewal Fee	Order/Penalty	Referred	6/21/99
Stamper, Ray; Bryan Zenor Polk Co. <b>UPDATED</b>	Solid Waste (5)	Illegal Disposal	Order/Penalty	Referred Motion for Judgment Hearing Judgment (\$2,000/Admin.)	6/21/99 9/03/99 11/30/99 11/30/99
Village Realty Pottawattamie Co. (4)	Underground Tank	DNR Defendant	Defense	Petition Filed State's Motion to Dismiss Order Granting Partial Dismissal	8/12/98 10/08/98 12/22/98
Walker, Jim Iowa City (6)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred	10/18/99
Weber Construction, Inc. Cascade (1)	Air Quality	Asbestos	Petition for Review	Petition Filed Answer Filed Hearing Ruling for State Notice of Appeal	11/19/98 12/23/98 8/24/99 8/31/99 9/27/99
White, Robert Jeff White, Dave Dallas Center <b>UPDATED</b>	Air Quality; Solid Waste (5)	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed Dismissed Without Prejudice Petition Against Dave White Filed	4/20/98 2/05/99 9/24/99 11/15/99
Wunschel Oil Co.; Vernus Wunschel and Jaquelyn Wunschel Battle Creek (3)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Motion for Judgment Consent Decree (\$6,400/Admin.) Referred	1/17/95 8/28/96 12/13/96 3/30/98
Zook, Russell d/b/a Haskins Recycling Ainsworth (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	5/17/99

Mr. Murphy presented details of the routine monthly reports.

Chairman Ehm asked about the referral on Don Grell and Dodger Enterprises stating "Judicial Review" as to what that refers to.

Mr. Murphy stated that the Department issued an Order to him and also took action to revoke his permit and those actions were consolidated into one hearing. The Commission affirmed the findings of that and then Mr. Grell filed a Petition for Judicial Review to appeal those actions to the district court.

Brief discussion followed regarding the differences in penalties for construction without a permit.

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<b>INFORMATIONAL ONLY</b>
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## **PUBLIC PARTICIPATION**

### **Lindsey Larson (legislative proposals)**

Lindsey Larson, Iowa Farm Bureau, distributed copies of the Iowa Code section Chapter 335, County Zoning, along with a booklet on Resolutions of the Iowa Farm Bureau for 2000. He spoke in regard to the proposal for Proposed Manure Management Requirements. Mr. Larson stated that the DNR staff has indicated a phosphorus standard will apply to all land in an impaired watershed, regardless of whether that land is directly causing the impairment. Application rates would be based on crops use of phosphorus during that crop year. Mr. Larson stated that the Farm Bureau thinks this is premature because research presently being done on Iowa soils is not yet completed. He expanded on the research on soil saturation and noted that it should be completed before a standard is set. He also discussed application rates and the possibility of it prohibiting some application equipment from being used if the rates are cut in half.

Mr. Larson said the EPA does not currently use a phosphorus manure management plan and the Farm Bureau members, in their policy statements, have supported voluntary efforts to address impaired watersheds because they believe they have been most successful. He mentioned a number of these projects they have been involved in.

Mr. Larson also discussed the DNR authority to increase statutory separation distances on a case-by-case basis. He related that this will not necessarily result in better siting in every case. He noted that the law was set so that producers know what the rules are when they want to expand an operation. He stated that this proposal could create some uncertainty about what the actual separation distance is for a particular proposed site. He expanded on that issue and related that it could create a tool for livestock operation homes to eliminate many potentially environmentally sound sites and prohibit the proposed construction.

Mr. Larson stated that the proposal for equal responsibility for parties involved in contracting could cause some concerns. He related that it has the potential to interfere with the private contractual arrangements between a contract grower when he has to perform certain things in

exchange for compensation. He expanded on problems that could arise because of this proposal such as compensation to contract growers to be reduced, among a number of other problems. He noted that this could provide the DNR an additional revenue source. Mr. Larson stated that in regard to the floodplain proposal, there is current law addressing floodplains and there is a 500 feet distance requirement from the ordinary high water mark for major water courses. He related that another Code section allows counties to zone agricultural operations in a floodplain. Mr. Larson noted that the DNR staff has admitted that there are no adequate maps to address the areas of 500 year floodplains.

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Mr. Larson stated that in regard to local input, the Farm Bureau delegate members overwhelmingly voted down the approval of siting facilities by counties. He related that state law already allows for county input on siting during the permit application process, public hearings at the county level, and appeal of the DNR's decision to the EPC.

Mr. Larson stated that in regard to creating an Environmental Protection Fund, recently the legislature has made a policy of moving away from designated funds. He related that this proposal could take money out of the General Fund and designate it to the DNR by by-passing the priority levels the legislators have set up to establish how the state's resources are spent. He stated that the impacts of this proposal could have an impact of reducing overall DNR funding if General Fund allocations are reduced to offset the fund. He also related that it could result in the designated fund encouraging staff to recommend higher fees instead of advocating that protecting the environment is in the public's interest, so that it is worth spending those tax dollars.

Brief discussion followed in regard to equal responsibility for parties involved in contracting services.

## **PRIVATE WELL SAMPLING AND ABANDONMENT GRANTS TO COUNTIES – FY 2001**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for SFY2001 grants to 98 counties for well testing, abandonment and rehabilitation. The grants will be for \$15,000 per county for a total of \$1,470,000. These figures are based on the current un-obligated balance in the groundwater fund of the agricultural management account of the groundwater protection fund, additional receipt of funds expected before the end of the current fiscal year, and an expected percent usage factor. The grant amounts are less than the SFY2000 grants as all excess funds have been used and the program is now operating on present year receipts only. Ninety-eight applications were received for the grant program and all counties applying were determined to be eligible. Marshall County is the only county not participating.

The \$15,000 will be a maximum amount and the actual funds provided to each county may be less, depending upon the actual numbers of wells tested, plugged or renovated by each county.

Since the Grants to County program has been in existence, over 35,000 abandoned wells have been plugged, which may be about one third of the total abandoned wells needing to be plugged. In less than three and one half years, nearly 1000 wells in poor condition have been rehabilitated (rehabilitation as an eligible activity under the program was authorized in 1997). In addition, about 13,000 private well water samples per year are tested through this program.

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Mr. Valde reviewed details of the grants noting that all counties are participating except Marshall County.

Brief discussion followed regarding specifically what the closing costs include.

*Motion was made by Gary Priebe to approve the Private Well Sampling and Closure Grants to Counties as presented. Seconded by Terrance Townsend. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **SECTION 319 NONPOINT SOURCE POLLUTION CONTROL PROJECT CONTRACTS**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for a contract with Iowa State University for a project entitled State Lakes Classification, Assessment and Assistance. This contract will be funded by the FFY99 Section 319 grant, contingent upon award of the EPA grant funds. Total funding to be awarded for this project is \$349,283. This is a three-year project and Commission approval is being sought to enter into a contract for the entire project period.

This project will provide DNR and other agencies and organizations with a comprehensive, computerized database on Iowa's publicly owned lakes, including information on lake water quality, size of the watershed, land use in the watershed, erosion rates, and recreational use supported by the lake. Lake and lake watershed information will be placed in a GIS framework and include the important information specific to individual lakes and their watersheds. In addition, data gaps will be identified. The information developed under this project will be used to prioritize future DNR efforts to improve lake water quality.

Contract funds will be used to support staff and expenses for collecting and processing data.

Mr. Valde reviewed for the Commission the details of the projects and contracts.

Gary Priebe asked if the Natural Resource side of the department contributes any money to these studied.

Deputy Director Wilson stated that they receive these funds only if they apply, and in the past the Natural Resource Commission has approved financial assistance to pay for similar types of studies on specific lake renovation projects, which would eventually end up in a dredging project.

Brief discussion followed regarding performance standards in the contracts and the applicants having to meet those standards.

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*Motion was made by Gary Priebe to approve the Nonpoint Source Pollution Control Project contracts as presented. Seconded by James Braun. Motion carried unanimously.*

**APPROVED AS PRESENTED**

### **ADOPTED AND FILED EMERGENCY—CHAPTER 65, ANIMAL FEEDING OPERATIONS CLARIFICATIONS**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The first rule change is in 65.19(6)b.(1). The current rule exempts a part time employee of a confinement site applicator from certification requirements IF he is under the direct supervision of a COMMERCIAL applicator. This is what the law said when originally written. The law was subsequently amended to change the word COMMERCIAL to CONFINEMENT. This allows the licensed confinement site applicator to have a part time employee apply manure without being licensed. This is what the law initially intended, but the draft that actually passed the legislature had the wrong word in it. As a practical matter, we have been interpreting the law this way since we became aware of the error. This needs to be adopted on an emergency basis because it merely is making the rule consistent with the law.

The second rule change is in 65.16(3). This rule prohibits the removal of manure from a manure storage structure after December 31, 1999 unless there is an approved manure management plan. The department currently has approximately 1900 plans to review and will not complete that process before the end of the year. We are proposing to extend that deadline to December 31, 2000. This needs to be adopted on an emergency basis because anyone who needs an approved plan and does not have one after December will be in violation of the law.

### **ENVIRONMENTAL PROTECTION COMMISSION [567] Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code section 455B.200, the Environmental Protection Commission hereby amends Chapter 65, "Animal Feeding Operations," Iowa Administrative Code.

The first amendment extends for one year the period during which the owner of a confinement feeding operation may remove and apply manure from a manure storage structure in accordance with a manure management plan that has been submitted but not yet approved by the Department of Natural Resources. The second amendment makes Department rules consistent with 1999 Iowa Acts, House File 242, Section 30, by which a part-time employee of a confinement site manure applicator is exempt from being certified as a confinement site manure applicator if under direct supervision of a certified confinement site manure applicator.

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In compliance with Iowa Code section 17A.4(2), the Commission finds that notice and public participation are impracticable for the first amendment because many owners of confinement feeding operations need to land apply manure during the winter and early spring months; normal rule making procedures would preclude land application after December 31, 1999, until the proposed amendment could become effective. Notice and public participation are also contrary to the public interest in that a delay in extending the manure application date may result in overflow from manure storage structures and other improper manure disposal practices. Regarding the second amendment, notice and public participation are unnecessary because the amendment merely harmonizes rule language with the statutory provision.

In compliance with Iowa Code section 17A.5(2)"b"(1), the Commission finds these amendments confer a benefit on a portion of the public and that the normal effective date of the amendment should be waived and these amendments should be effective upon filing on December 21, 1999.

These amendments are intended to implement Iowa Code section 455B.203 and 1999 Iowa Acts, House File 242, Section 30.

These amendments shall become effective December 21, 1999.

The following amendments are adopted.

ITEM 1. Amend subrule 65.16(3) as follows:

**65.16(3)** Manure shall not be removed from a manure storage structure, which is part of a confinement feeding operation required to submit a manure management plan, until the department has approved the plan. As a exception to this requirement, ~~during calendar year 1999~~ until December 31, 2000, the owner of a confinement feeding operation may remove and apply manure from a manure storage structure in accordance with a manure management plan which has been submitted to the department, but which has not been approved with the required 60-day period. Manure shall be applied in compliance with 65.2(455B).

ITEM 2. Amend subrule 65.19(6), paragraph "b," subparagraph (1) as follows:

(1) A part-time employee of a confinement site manure applicator and is acting under direct instruction and control of a certified ~~commercial~~ confinement site manure applicator who is physically present at the manure application site by being in sight or hearing distance of the supervised person where the certified ~~commercial~~ confinement site manure applicator can physically observe and communicate with the supervised person at all times.

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Date

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Paul W. Johnson, Director

Mr. Valde gave a detailed explanation of the rules.

Discussion followed regarding the definition of "part-time," under Item 2 (1), in reference to a part-time employee applying manure.

Commissioner Braun suggested getting a clarification to adequately define what the qualifications would be for a part-time employee. He related that the legislature may have to look at that.

Mr. Valde noted that "part-time" is the term used in the rules.

*Motion was made by Rita Venner to approve the Emergency Rules - - Chapter 65, Animal Feeding Operation Clarifications. Seconded by James Braun. Motion carried unanimously.*

**APPROVED AS PRESENTED**

#### **REFERRALS TO THE ATTORNEY GENERAL**

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. Linwood Mining and Minerals Corp. (Buffalo) – air quality
- b. A.J. DeCoster (Lucas County) – animal feeding operation

#### **Linwood Mining and Minerals Corp.**

Mr. Murphy stated that counsel for Linwood Mining had a conflict and has asked for a delay in this case and staff has no problem with that.

*Motion was made by Terrance Townsend to table the Linwood Mining and Minerals Corp. referral for one month. Seconded by Rita Venner. Motion carried unanimously.*

**TABLED FOR ONE MONTH**

**A. J. DeCoster (Lucas County)**

Mr. Mike Murphy, Bureau Chief, Enforcement and Compliance Bureau, presented the following item.

Mr. Murphy stated that he received a letter of request from DeCoster's attorney that this matter be scheduled and addressed through a contested case proceeding. He related that he has provided each Commissioner with a copy of that letter. He noted that the department is asking that the request be denied as it has been previously addressed in this type of referral. He noted that this is an issue DeCoster is pursuing in some of the current pending cases. Mr. Murphy stated that two District Court rulings agree that a contested case is not required for this proceeding. He related that the Supreme Court, in a case argued last week, will be coming down with a ruling, but this is primarily to make a record in the case.

**Appointment – Jan Mohrfeld Kramer**

Jan Mohrfeld Kramer, Attorney for A. J. DeCoster, stated she is requesting that this matter of referral be handled through a contested case proceeding, adding that Mr. Murphy is correct that the request is being made as a record so that they can proceed in their objections to the manner in which the EPC handles referrals in the court process.

Mr. Murphy stated that the Commission needs to make a decision on the issue of whether or not to deny the request for a contested case proceeding.

Gary Priebe commented that these cases have normally been handled as referrals.

Mr. Murphy stated that the department has contended that a contested case proceeding is not legally required and so far has been upheld on that.

*Motion was made by Gary Priebe to deny the request for a contested case proceeding in this matter. Seconded by James Braun. Motion carried unanimously.*

**REQUEST DENIED**

Mr. Murphy stated that this case involves the same facility the Commission referred 13 months ago (Nursery Unit M-1 in Lucas County). He noted that it is a one building nursery confinement facility that contains manure temporarily in below building pits and it is then transferred to a manure storage basin. He related that in mid-October the Department received a complaint that the manure was leaving the premises and flowing through a drainageway. Upon investigation it was confirmed that manure was overflowing the pits and running over the terrain into a drainageway that is a tributary to the Chariton River. He noted that sampling of the waste determined it to be very high strength pollutants. Mr. Murphy said the investigation indicated a manure transportation line had become plugged around October 1, and the pits began

overflowing on or about October 6. He related the buildings were power washed on October 8, even though the manure line was plugged, and on October 11 the local on-site manager unplugged the lines. Mr. Murphy related that was when the actual discharge was ceased. He stated that even though they knew materials were leaving the pits on October 6, they did not report it to the Department. He pointed out that the complaint came through a neighbor who was impacted by the situation. Mr. Murphy said the Department is asking referral for three types of violations, for six days each. Those violations are failure to retain manure in the storage structures, failure to report a manure release, and discharging manure into an unnamed tributary.

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Rita Venner asked about the property changing hands.

Mr. Murphy stated that the records show that the land transferred in 1997 but the operation is still in the name of A.J. DeCoster and the same people are running it.

Gary Priebe asked how it can be referred if there was no impact on the river. He related that the Code speaks to prohibiting the discharge of pollutants into any water of the state or into a tile line and inquired how it could be referred if they did not do something directly wrong with the Code.

(Randall Giannetto arrived at this point in the meeting - 11:00 a.m.)

Mr. Murphy explained that the material leaving the pits is a violation no matter where it goes, and the failure to report the release is a violation. He further explained that the term "to a water of the state" is defined very broadly in the Code, and a tributary, even though it does not have a name, is still a water of the state.

Ms. Mohrfeld Kramer stated that the only other issue she would like to raise, on behalf of Mr. DeCoster, is the confidential portion of the Litigation Report that has been provided to the Commission by the DNR. She related that she requested a copy of all materials submitted to the Commission by the DNR, and she is making an additional request to receive a copy of the confidential portion of the report. She added that she objects to the DNR submitting confidential information to the Commission for consideration of the issue of referral. Ms. Mohrfeld Kramer stated that in order not to undermine her position that this matter must be handled as a contested case proceeding, she would prefer not to address the factual issues that are being presented.

*Motion was made by Rita Venner for referral to the Attorney General's Office. Seconded by James Braun. Motion carried unanimously.*

**REFERRED**

## **LEGISLATION PACKAGE – 2000**

Larry Wilson, Deputy Director, presented the following item.

Department staff and the Director continue to work on legislative proposals for consideration by the 2000 General Assembly. Draft bills were sent to the Legislative Service Bureau by November 29, 1999. While discussions continue at this time, listed below are proposals in general terms that the EPC is asked to consider and support. Staff will be present to respond to questions about these proposals.

- Proposed manure management requirements – Proposes equal responsibility in contract feeding operations with owner(s) and contract growers. Adds the words “and phosphorous” to 455B.203(3)a so that both phosphorus and nitrogen are to be used to determine application rates. Phosphorus may be the key constituent affecting water quality impacts, and draft federal requirements on phosphorus are now in review.
- Proposed permit changes – The bill would propose to make the statutory separation distances minimum distances and allow the director to set greater distances to protect natural areas, high quality water areas, protected water areas and other important areas. Section 455B.204 which sets out prohibited areas for construction would be amended to add construction within the 500 year floodplain of a major water source. Major water sources are already listed in our rules.
- Funding – create an Environmental Protection Fund that would be the repository for various environmental permit fees. Currently many permits are issued at no cost. Fees would be established by rule under existing authority. Fees for generation, storage, and transportation of hazardous waste are set in statute. Increases are proposed for these fees.
- Certified Environmental Auditors – Certified auditors are not required for an audit, and training does not lead to mandatory certification. Based on the stringent requirements for a certification program, registration makes more sense for this program.
- Special Waste Authorizations – eliminates the department’s role and allows local landfill operators the authority to determine whether any special disposal measures are needed.
- Groundwater Hazard Statement – amends the statement. In sale of property for residential development, purchaser must be provided with a statement from local government stating how water and sewer service are provided to the property and that on-site systems can successfully be used on the proposed site.
- On-site Systems – adds to the disclosure statement provided to purchasers of property. Private wells and sewage disposal systems would need to be inspected prior to sale and their condition as well as required improvements would need to be disclosed. Who makes the improvements is left to the parties in the transaction.
- State Environmental Policy Act – proposes to create a center as a joint DNR/DED venture to offer siting information to developers based on a geographic information system. The proposal will also seek a process to review projects which could have a significant adverse

impact on specific areas such as state parks and preserves, protected water areas and recreational areas and facilities. Any determinations by the Director would be incorporated in an order and could be appealed to the Environmental Protection Commission.

- Civil and Administrative Penalties – increase the cap from \$10,000 to \$25,000 to allow the department to address the more serious violations with Administrative Orders, and increase our maximum penalty for water, air, and solid waste violations from \$5,000 per day to \$27,500 per day, the same as the EPA limit.
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- Solid Waste Cleanup – provide authority to the department to require the removal of waste which results from open dumping on private lands.
  - Septage Waste Haulers – continue certification of haulers, increase penalties to be more consistent with other environmental violations and require treatment plants to only accept waste for disposal from certified haulers.
  - AFOs – support legislation allowing for local input on siting of AFO's as proposed by the Governor last year.
  - Add the Solid Waste Tonnage Fee to all transfer stations, including mobile transfer stations.
  - Charge a permit fee to facilities that are receiving services but not paying a permit fee or solid waste tonnage fee.
  - Increase funds for household hazardous materials collection centers by assessing a generator fee.
  - Include transfer stations and mobile transfer stations in the portion of the law that requires local siting procedures.
  - Increase of \$1,000,000 to the tire fund for a total of \$2,000,000.

Larry Wilson pointed out that the Commission was provided a revised Legislation Proposal Package for 2000 and those copies were placed at their workstation. He suggested that the Commission review each individual proposal and vote on it after their discussion. He noted that Director Johnson is very committed to each of these proposals and would strongly encourage the Commission's support. Mr. Wilson reviewed details of each proposal.

Following a lengthy and thorough discussion of each of the proposals, action was taken on the individual proposals as follows. Chairman Ehm suggested that rather than a motion on each proposal he would merely ask for an "Aye" or "Nay" vote on each one.

- Proposed manure management requirements (part 1) – Proposes equal responsibility in contract feeding operations with owner(s) and contract growers.

Concern was expressed with the word “equal” responsibility and it was felt it should be changed to “shared” responsibility. Mr. Valde noted that those words are not in the draft bill, and that the above language is paraphrasing what the bill is about.

*In the absence of a unanimous vote, Chairman Ehm called for a roll call vote. “Aye” votes were cast by Commissioners Townsend, Braun, and Ehm. “Nay” votes were cast by Commissioners Venner, Giannetto, and Priebe. Vote was 3-aye to 3-nay. Chairman Ehm ruled that the vote fails as it takes a majority of the Commission to pass. Vote in support of this proposal failed.*

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- Proposed manure management requirements (part 2) – Adds the words “and phosphorus” to 455B.203(3)a so that both phosphorus and nitrogen are to be used to determine application rates. Phosphorus may be the key constituent affecting water quality impacts, and draft federal requirements on phosphorus are now in review.

*Vote in support of this proposal was a unanimous “aye.”*

- Proposed permit changes (part 1) - The bill would propose to make the statutory separation distances minimum distances and allow the director to set greater distances to protect natural areas, high quality water areas, protected water areas and other important areas.

*Vote in support of this proposal was a unanimous “aye.”*

- Proposed permit changes (part 2) - Section 455B.204 which sets out prohibited areas for construction would be amended to add construction within the 500 year floodplain of a major water source. Major water sources are already listed in our rules.

*In the absence of a unanimous vote, Chairman Ehm called for a roll call vote. “Aye” votes were cast by Commissioners Venner, Braun, Giannetto, Townsend and Ehm. “Nay” vote was cast by Commissioner Priebe. Vote was 5-aye to 1-nay. Vote in support of this proposal passed.*

- Funding – create an Environmental Protection Fund that would be the repository for various environmental permit fees. Currently many permits are issued at no cost. Fees would be established by rule under existing authority. Fees for generation, storage, and transportation of hazardous waste are set in statute. Increases are proposed for these fees.

*Vote in support of this proposal was a unanimous “aye.”*

- Certified Environmental Auditors – Certified auditors are not required for an audit, and training does not lead to mandatory certification. Based on the stringent requirements for a certification program, registration makes more sense for this program.

*Vote in support of this proposal was a unanimous “aye.”*

- Special Waste Authorizations – eliminates the department's role and allows local landfill operators the authority to determine whether any special disposal measures are needed.

*Vote in support of this proposal was a unanimous "aye."*

- Groundwater Hazard Statement – amends the statement. In sale of property for residential development, purchaser must be provided with a statement from local government stating how water and sewer service are provided to the property and that on-site systems can successfully be used on the proposed site.

*Vote in support of this proposal was a unanimous "aye."*

- On-site Systems – adds to the disclosure statement provided to purchasers of property. Private wells and sewage disposal systems would need to be inspected prior to sale and their condition as well as required improvements would need to be disclosed. Who makes the improvements is left to the parties in the transaction.

*Vote in support of this proposal was a unanimous "aye."*

- State Environmental Policy Act – proposes to create a center as a joint DNR/DED venture to offer siting information to developers based on a geographic information system. The proposal will also seek a process to review projects which could have a significant adverse impact on specific areas such as state parks and preserves, protected water areas and recreational areas and facilities. Any determinations by the Director would be incorporated in an order and could be appealed to the Environmental Protection Commission.

*Vote in support of this proposal was a unanimous "aye."*

- Civil and Administrative Penalties – increase the cap from \$10,000 to \$25,000 to allow the department to address the more serious violations with Administrative Orders, and increase our maximum penalty for water, air, and solid waste violations from \$5,000 per day to \$27,500 per day, the same as the EPA limit.

*Vote in support of this proposal was a unanimous "aye."*

- Solid Waste Cleanup – provide authority to the department to require the removal of waste which results from open dumping on private lands.

Concern was expressed about where responsibility lies in cleanup situations.

*In the absence of a unanimous vote, Chairman Ehm called for a roll call vote. "Aye" vote was cast by Commissioner Ehm. "Nay" votes were cast by Commissioners Braun, Giannetto, Priebe, Townsend, and Venner. Vote was 5-nay to 1-aye. Vote in support of this proposal failed.*

- Septage Waste Haulers – continue certification of haulers, increase penalties to be more consistent with other environmental violations and require treatment plants to only accept waste for disposal from certified haulers.

*Vote in support of this proposal was a unanimous “aye.”*

- AFOs – support legislation allowing for local input on siting of AFO’s as proposed by the Governor last year.
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*In the absence of a unanimous vote, Chairman Ehm called for a roll call vote. “Aye” vote was cast by Commissioners Giannetto and Braun. “Nay” votes were cast by Commissioners Priebe, Townsend, Venner, and Ehm. Vote was 2-aye to 4-nay. Chairman Ehm ruled that the vote fails as it takes a majority of the Commission to pass. Vote in support of this proposal failed.*

- Add the Solid Waste Tonnage Fee to all transfer stations, including mobile transfer stations.

(Commissioner Townsend left at this point in the meeting – 1:05 p.m.)

*Vote in support of this proposal was a unanimous “aye.”*

Charge a permit fee to facilities that are receiving services but not paying a permit fee or solid waste tonnage fee.

Roya Stanley pointed out that the Department already has the authority to charge these fees, therefore this is a non-issue.

- Increase funds for household hazardous materials collection centers by assessing a generator fee.

Roya Stanley stated that there is an Advisory Committee working on this issue and they might suggest doubling the fee. She related that they will not be able to promote it in the legislature this year.

- Include transfer stations and mobile transfer stations in the portion of the law that requires local siting procedures.

*Vote in support of this proposal was a unanimous “aye.”*

- Increase of \$1,000,000 to the tire fund for a total of \$2,000,000.

*Vote in support of this proposal was a unanimous “aye.”*

## **GENERAL DISCUSSION**

Larry Wilson reviewed the process followed for the Legislative Reception the morning following the January meeting. He noted that Director Johnson is asking that the reception be expanded to include the Natural Resource Commission and their legislative proposals this year.

Roya Stanley announced that the Department would be celebrating Earth Year all year long in 2000. The first event is a kickoff of Earth Year 2000 and will be held on Friday, January 21, 2000, at the Des Moines Convention Center. She related that the Department would like as many people as possible to attend this event.

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### **NEXT MEETING DATES**

The next meeting will begin at 1:00 p.m. on Tuesday, January 18, 2000. The legislative reception will be held on Wednesday, January 19, from 7:30 – 9:00 a.m. in the fourth floor conference room of the Wallace Building.

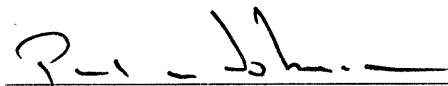
January 18, 2000 (Tuesday)

February 21, 2000

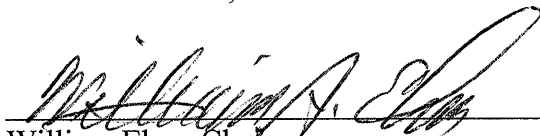
March 20, 2000

### **ADJOURNMENT**

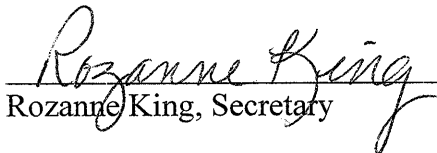
With no further business to come before the Environmental Protection Commission, Chairperson Ehm adjourned the meeting at 1:40 p.m., Monday, December 20, 1999.



Paul W. Johnson, Director



William Ehm, Chair



Rozanne King, Secretary

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